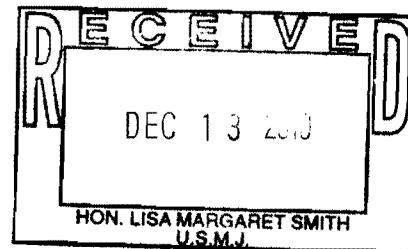


December 7, 2010

**BY US MAIL**

United States District Court  
Southern District of New York  
Hon. Lisa Margaret Smith  
United States Magistrate Judge  
300 Quarropas Street  
White Plains, New York 10601



R.E. Donald Roth v. United States, 09 Civ. 8712, 02 Cr. 1503

Dear Judge Smith:

I respectfully request that the Court memo-endorse this letter-motion granting me leave to file any reply in this action by or before January 6, 2011, thirty days after the date I received the government's Memorandum in Opposition to my habeas motion (December 7, 2010, see enclosed copy of Bureau of Prisons mail room receipt), and to file a reply which contains twenty-five or less pages.

I request such leave because of the volume of the record in this action (nearly 5,000 page trial transcript), the government's one hundred sixty-six page Memorandum of Law in Opposition to my motion (inclusive of exhibits), the fact that I am required to work at my institution's clothing services department weekdays between 6:00 a.m. and 12:00 p.m., and the press of other prison matters. Although the government filed a sworn affidavit of service regarding the Memorandum in Opposition stating that they mailed me the document on November 29, 2010, the postmark states November 30, 2010 and I did not receive it until December 7, 2010.

Thank you for your consideration.

Respectfully,

By:

FCI Sandstone  
Donald Roth, 83933-054 K1  
POB 1000  
Sandstone, MN 55072

cc. Benjamin Allee  
Assistant United States Attorney  
(by mail)

Motion Granted  
12/13/10  
Case No. 09-Cr-1503  
Defendant  
Clerk  
Deputy Clerk  
Courtroom  
SO  
09-Cr-1503  
SO